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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 2:10 CR 000331-012

VS. : JUDGE MINALDI

SHAYNE KEITH WEEKLY, : MAGISTRATE JUDGE KAY
a.k.a. "DONKEY"

MEMORANDUM RULING

Before the court are several objections to the Presentence Report ("PSR") prepared by the Probation Department.

Objections numbered 1, 2, 4, 7, and 10 do not require rulings by the court

On objection number 3, Weekly states that he placed five orders, but those orders did not weigh three kilograms. He states that the first shipment was for 100 grams, the second and third shipments had a total weight of 150 grams, the fourth shipment was for 60ml of EQ liquid and the fifth shipment weighed 250 grams. Therefore, he argues that the correct total for the five shipments was 500 grams of powder and 60 ml of liquid.

Probation's figure was based on statements by co-defendant Bryce Meaux. Meaux stated that in 2008, he discussed the purchase of steroid powder with Weekly. Meaux stated that the first five orders for steroids from China were placed by Weekly and paid for by Meaux. Meaux stated that the total weight of the five shipments was three kilograms.

Weekly will have the opportunity at the sentencing hearing to present rebuttal evidence to prove that the weight of the shipments was less than three kilograms. Unsupported assertions are

not sufficient. The evidence presented in the Presentence Report (PSR) has an adequate evidentiary basis for this court to adopt the facts presented in the PSR without further inquiry. *See United States v. Brown*, 54 F.3d 234, 242 (5th Cir.1995; *United States v. Gomez-Solis*, 2001 WL 1466317, 1 (5th Cir. 2001). Absent the introduction of such evidence by the defendant, this objection will be overruled.

In objection number 5, Weekly denies that he sold steroids to Canien Matte. Weekly also denies manufacturing steroids at his residence or elsewhere.

Probation responds that, based upon investigative reports, on May 23, 2011, agents interviewed Canien Matte. Matte indicated that from approximately the summer of 2007 through the summer of 2008, there was one occasion on which Weekly ordered approximately 20 10-cc vials of anabolic steroids from Bruce Meaux. Matte picked up the 20 vials from Weekly at his residence in Lake Arthur, Louisiana. Matte purchased the 20 vials from Weekly for \$40.00 per 10-cc vial.

Again, the defendant will have the opportunity to introduce evidence to rebut the facts contained in the PSR. Absent the introduction of such evidence by the defendant, this objection will be overruled.

Objects numbered 6, 8 and 9, all request amendments to the PSR based upon the objections above. Absent the introduction of sufficient evidence to rebut the facts contained in the PSR, these objections are overruled and the PSR will remain unchanged. The Total Offense level is 13, the criminal history category is I, giving a guideline range of 12-18 months.

Lake Charles, Louisiana, this 14 day of October, 2011.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE